

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MICHAEL D. ROSE,
and EDWARD L. HARMON,
*on their own behalf and on behalf
of all others similarly situated,*

Plaintiffs,

v.

CIVIL ACTION NO. 5:22-cv-00405

MICHAEL FRANCIS,
*individually and as an employee of
the West Virginia Division of Corrections
and Rehabilitation,*
THE RALEIGH COUNTY COMMISSION,
John/Jane Doe Employees of the Raleigh
County Commission,
THE FAYETTE COUNTY COMMISSION,
John/Jane Doe Employees of the Fayette
County Commission,
THE GREENBRIER COUNTY COMMISSION,
John/Jane Doe Employees of the Greenbrier
County Commission,
THE MERCER COUNTY COMMISSION,
John/Jane Doe Employees of the Mercer
County Commission,
THE MONROE COUNTY COMMISSION,
John/Jane Doe Employees of the Monroe
County Commission,
THE SUMMERS COUNTY COMMISSION,
John/Jane Doe Employees of the Summers
County Commission,
THE WYOMING COUNTY COMMISSION,
John/Jane Doe Employees of the Wyoming
County Commission,
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,
John/Jane Doe PrimeCare Employees,
JOHN/JANE DOE CORRECTIONAL OFFICERS,
BETSY JIVIDEN, *individually as an employee of the
West Virginia Division of Corrections and Rehabilitation,*
WEXFORD HEALTH SOURCES, INC.
John/Jane Doe Wexford Employees,

BRAD DOUGLAS, *individually and in his official capacity as the acting Commissioner of the West Virginia Division of Corrections and Rehabilitation*,
JEFF S. SANDY, *individually and in his official capacity as the Cabinet Secretary of the West Virginia Division Department of Homeland Security*, and
WILLIAM K. MARSHALL, III
individually and in his official capacity as the Commissioner of the West Virginia Division of Corrections and Rehabilitation,

Defendants.

ORDER


Pending are Defendant Wexford Health Sources, Inc.'s ("Wexford"), Motion for Leave to Exceed Page Limitation in Memorandum of Law in Support of Motion for Summary Judgment [**Doc. 891**], filed March 7, 2024, and Motion for Summary Judgment [**Doc. 893**], filed March 7, 2024. Also pending are Defendants Wexford and the County Commissions of Raleigh, Fayette, Greenbrier, Mercer, Monroe, Summers, and Wyoming Counties' ("the County Defendants") Joint Motion to Strike Exhibits and Various Footnotes in Plaintiffs' Response in Opposition to Defendants' Joint Motion to Dismiss Second Amended Complaint and Exhibits in Support [**Doc. 611**], filed August 7, 2023, and Joint Motion to Strike Plaintiffs' Memorandum in Support for Leave to Supplement the Record in Support of Motion for Class Certification [**Doc. 781**], filed November 3, 2023.

On March 13, 2024, the Court granted in part Defendants' Joint Motion to Dismiss the Second Amended Complaint [Doc. 908], thereby dismissing all remaining claims against Wexford and the County Defendants. Accordingly, the Motions are **DENIED AS MOOT**.

The Clerk is **DIRECTED** to transmit a copy of this written opinion and order to all counsel of record and to any unrepresented party.

ENTER: March 15, 2024




Frank W. Volk
United States District Judge